

and fraudulent in that the same were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchaser thereof and to falsely create in his mind the impression and belief that the product contained ingredients and medicinal agents, effective as a remedy in the treatment and cure of bladder troubles, diabetes, weak and lame backs, rheumatism, and gravel, and as a regulative of bladder troubles in children, whereas, in truth and in fact, the said product did not contain ingredients or a combination of ingredients or medicinal agents effective as a remedy in the treatment or cure or regulation of the said diseases, ailments, affections, disorders, and maladies as labeled, marked, and branded on the packages, cartons, and circulars.

On December 9, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be labeled "Hall's Texas Wonder," and that it be sold by the United States marshal after the objectionable statements were erased.

E. D. BALL, *Acting Secretary of Agriculture.*

7599. Misbranding of Milks Emulsion. U. S. * * * v. 9 Cases and 8 Cases of Milks Emulsion. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11365. I. S. No. 2875-r. S. No. W-517.)

On October 10, 1919, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, containing 12 large-size bottles, and 8 cases, containing 24 small-size bottles, of Milks Emulsion, consigned by The Milks Emulsion Co., Terre Haute, Ind., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on March 25, 1919, and August 26, 1919, and transported from the State of Indiana into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "A Valuable Remedy For dyspepsia, indigestion, catarrh of stomach and bowels, * * * bronchial asthma, catarrhal croup, bronchitis, * * * Especially beneficial in incipient consumption * * *"; (booklet) "Milks Emulsion contains a great amount of fat, * * *"

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted of approximately 95 per cent of petrolatum, with small amounts of sirup, glycerin, and essential oils, including oil of lemon and methyl salicylate.

Misbranding of the article was alleged in the libel for the reason that the statements borne on the cartons enclosing, and on the labels on the bottles containing, and in the booklets accompanying, the article, regarding the curative or therapeutic effects thereof, as above set forth, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it.

On November 24, 1919, the said Milks Emulsion Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*